

Amendment No. 1 to SB0008

Gresham
Signature of Sponsor

AMEND Senate Bill No. 8*

House Bill No. 448

by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. This act shall be known and may be cited as the "Higher Education Equality Act of Tennessee (HEAT)".

SECTION 2. Tennessee Code Annotated, Title 49, Chapter 7, Part 1, is amended by adding the following language as a new, appropriately designated section:

49-7-1__.

(a) A public institution of higher education shall not discriminate against, or grant preferential treatment to, any individual or group on the basis of race, sex, ethnicity, color or national origin.

(b) Nothing in this section shall be interpreted as prohibiting bona fide classifications based on sex that are reasonably necessary to the normal operation of a public institution of higher education, including compliance with Title IX of the Education Amendments Act of 1972, compiled in 20 U.S.C. § 1681 et seq., and regulations promulgated pursuant to Title IX.

(c) Nothing in this section shall be interpreted as prohibiting an outreach program conducted by a public institution of higher education for a specific group or population of students or potential students solely to provide access to educational or informational opportunities, such as an outreach program to encourage women to enter STEM fields.

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(d) Nothing in this section shall be interpreted as prohibiting action that must be taken to establish or maintain accreditation by a public institution of higher education or its colleges, schools or programs.

(e) Nothing in this section shall be interpreted as prohibiting action that must be taken to establish or maintain eligibility for any federal program, where ineligibility would result in a loss of federal funds.

(f) Nothing in this section shall be interpreted as invalidating any court order or consent decree that is in force as of the effective date of this section.

(g) The remedies available for violations of this section shall be the same, regardless of the injured party's race, sex, ethnicity, color or national origin, as are otherwise available for violations of the antidiscrimination laws of this state.

(h) This section shall apply only to action taken after the effective date of this act.

SECTION 3. Tennessee Code Annotated, Section 49-8-114, is amended by deleting the section in its entirety.

SECTION 4. Nothing in this act shall be construed to abridge or impair a contract or agreement entered into by the Tennessee higher education commission, the board of regents, the University of Tennessee system or a public institution of higher education before the effective date of this act.

SECTION 5. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 6. This act shall take effect July 1, 2013, the public welfare requiring it.